

Attorney File Ref: 102792-344

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Pamela A. BOONE, et al.
Serial No.: 10/510895
Filed: 08.Apr.2005
Examiner: Charles I. BOYER
Art Group: 1751
Title: **HARD SURFACE CLEANING COMPOSITIONS**

Per Telefax: 572 273-1311

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 - 1450

BEST AVAILABLE COPY

12 April 2006

Dear Sir,

RESPONSE

The undersigned thanks the Examiner for the courtesy extended during the telephonic interview earlier today which reached agreement on allowable claim language.

Further in support of remarks made during the telephonic interview, the undersigned transmits a *Terminal Disclaimer to Obviate Double Patenting Rejection over a Pending Second Application* wherein any extended term from the patent granting on the instant application is disclaimed over the term of later filed, copending application 10/510895.


BEST AVAILABLE COPY

Entry into the file wrapper of the present application is solicited.

Authorization for Fees

Please charge the fees required in order to permit the timely entry of this paper and if necessary any extension of time should such be required, to Deposit Account No. 14-1263.

Respectfully Submitted;


Andrew N. Parfomak, Esq.
Reg.No. 32,431
Norris, McLaughlin & Marcus, PC
875 Third Avenue, 18th Floor
New York, NY 10022

12 Apr 1 2006
Date:

Tel: 212 808-0700

Certification of Telefax Transmission:

I hereby certify that this paper is being telefax transmitted to the US Patent and Trademark Office to telefax number: 571 273-1311 on the date shown below:


Kimberly Brittingham

4/12/06
Date

C:\ANPCMB\102792\344\Transmittal\TerminalDisclaimer.doc

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket No.
102792-344

In re Application of: **Pamela BOONE et al.**
Application No. **10/510,895**
Filed: **April 8, 2005**
For: **HARD SURFACE CLEANING COMPOSITIONS**

BEST AVAILABLE COPY

The owner, Reckitt Benckiser Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/789,018, filed on February 27, 2004. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

3. Owner/applicant is ☐ Small entity ☒ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is \$130.00 and is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 14-1263.
☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

PTO suggested wording for terminal disclaimer was

- ☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)

Andrew N. Parfomak
Signature

Name and Address of Person Signing

Andrew N. Parfomak
Norris McLaughlin & Marcus PA
875 Third Avenue, 18th Floor
New York, NY 10022

Dated: April 12, 2006

Sent via facsimile to the United States Patent and Trademark Office at fax number (572) 273-1311 on the following date: <u>April 12, 2006</u> (Date)
<u>Kimberly Brittingham</u> Signature of Person Mailing Correspondence
Kimberly Brittingham Typed or Printed Name of Person Mailing Correspondence

P28/REV02